

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 19-3653

National Labor Relations Board

Petitioner

v.

Amazing Pet Expositions, LLC, doing business as Amazing Pet Expos and Pet Event Pros

Respondent

Appeals from National Labor Relations Board
(14-CA-232234)
(14-CA-232256)
(14-CA-234201)

JUDGMENT

The application for enforcement, having been filed and served on respondent and no answer having been received from respondent within the time allowed, is hereby granted. The order of the National Labor Relations Board is summarily enforced in accordance with the judgment which is attached hereto and made a part hereof.

January 17, 2020

Order Entered in Accordance with Opinion:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans

UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

NATIONAL LABOR RELATIONS BOARD	:
	:
Petitioner	: No.
	:
v.	:
	: Board Case Nos.:
AMAZING PET EXPOSITIONS LLC D/B/A	: 14-CA-232234
AMAZING PET EXPOS AND PET EVENT PROS	: 14-CA-232256
	: 14-CA-234201
Respondent	:

JUDGMENT ENFORCING AN ORDER OF THE
NATIONAL LABOR RELATIONS BOARD

This cause was submitted upon the application of the National Labor Relations Board for summary entry of a judgment against Respondent, Amazing Pet Expositions LLC d/b/a Amazing Pet Expos and Pet Event Pros, its officers, agents, successors, and assigns, enforcing its order dated October 18, 2019, in Case Nos. 14-CA-232234, 14-CA-232256, and 14-CA-234201, reported at 368 NLRB No. 98, and the Court having considered the same, it is hereby

ORDERED AND ADJUDGED by the Court that the Respondent, Amazing Pet Expositions LLC d/b/a Amazing Pet Expos and Pet Event Pros, its officers, agents, successors, and assigns, shall abide by said order (See Attached Order and Appendix).

Mandate shall issue forthwith.

Order Entered Under Rule 27A(a):
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans

DATED: January 17, 2020

NATIONAL LABOR RELATIONS BOARD

v.

AMAZING PET EXPOSITIONS LLC
D/B/A AMAZING PET EXPOS AND PET EVENT PROS

ORDER

Amazing Pet Expositions LLC d/b/a Amazing Pet Expos and Pet Event Pros, Saint Louis, Missouri, its officers, agents, successors, and assigns, shall

1. Cease and desist from

- (a) Maintaining or enforcing provisions of its Employee Confidentiality and Non-Compete Agreement prohibiting employees from discussing pay, pay practices, or other terms and conditions of employment.
- (b) Telling employees that because it is unlawful to terminate employees for going on strike, the Respondent would have to find another reason to terminate striking employees.
- (c) Telling employees not to talk around returning strikers because they might be recording conversations.
- (d) Telling employees not to talk about pay around other employees.
- (e) Discharging or otherwise discriminating against employees because they discuss pay, pay practices, or other terms and conditions of employment, or engage in other protected concerted activities.
- (f) In any like or related manner interfering with, restraining, or coercing employees in the exercise of the rights guaranteed them by Section 7 of the Act.

2. Take the following affirmative action necessary to effectuate the policies of the Act.

- (a) Rescind the provisions of the Employee Confidentiality and NonCompete Agreement prohibiting employees from discussing pay, pay practices, or other terms and conditions of employment.
- (b) Furnish employees with an insert for the current Employee Confidentiality and Non-Compete Agreement that (1) advises that the unlawful provisions have been rescinded, or (2) provides lawfully worded provisions on adhesive backing that will cover the unlawful provisions; or publish and distribute to employees a revised Employee Confidentiality

and Non-Compete Agreement that (1) does not contain the unlawful provisions, or (2) provides lawfully worded provisions.

- (c) Within 14 days from the date of this Order, offer Nat Welage, Katlyn Shuckhart, and Michelle Fite reinstatement to their former jobs or, if those jobs no longer exist, to substantially equivalent positions, without prejudice to their seniority or any other rights or privileges previously enjoyed.
- (d) Make Nat Welage and Katlyn Shuckhart whole for any loss of earnings and other benefits suffered as a result of their unlawful discharge on November 20, 2018, in the manner set forth in the remedy section of this Decision and Order.
- (e) Make Michelle Fite whole for any loss of earnings and other benefits suffered as a result of her unlawful discharge on November 26, 2018, in the manner set forth in the remedy section of this Decision and Order.
- (f) Compensate Nat Welage, Katlyn Shuckhart, and Michelle Fite for the adverse tax consequences, if any, of receiving a lump-sum backpay award, and file with the Regional Director for Region 14, within 21 days of the date the amount of backpay is fixed, either by agreement or Board order, a report allocating the backpay award to the appropriate calendar years.
- (g) Within 14 days from the date of this Order, remove from its files all references to the unlawful discharges of Nat Welage, Katlyn Shuckhart, and Michelle Fite, and within 3 days thereafter, notify each in writing that this has been done and that the discharges not be used against them in any way.
- (h) Preserve and, within 14 days of a request, or such additional time as the Regional Director may allow for good cause shown, provide at a reasonable place designated by the Board or its agents, all payroll records, social security payment records, timecards, personnel records and reports, and all other records, including an electronic copy of such records if stored in electronic form, necessary to analyze the amount of backpay due under the terms of this Order.
- (i) Within 14 days after service by the Region, post at its facility in Saint Louis, Missouri, copies of the attached notice marked "Appendix." Copies of the notice, on forms provided by the Regional Director for Region 14, after being signed by the Respondent's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous places, including all places where notices to employees are customarily posted. In addition to physical posting of paper notices, notices shall be distributed electronically, such

as by email, posting on an intranet or an internet site, and/or other electronic means, if the Respondent customarily communicates with its employees by such means. Reasonable steps shall be taken by the Respondent to ensure that the notices are not altered, defaced, or covered by any other material. If the Respondent has gone out of business or closed the facility involved in these proceedings, the Respondent shall duplicate and mail, at its own expense, a copy of the notice to all current employees and former employees employed by the Respondent at any time since June 6, 2018.

- (j) Within 21 days after service by the Region, file with the Regional Director for Region 14 a sworn certification of a responsible official on a form provided by the Region attesting to the steps that the Respondent has taken to comply.

APPENDIX

NOTICE TO EMPLOYEES POSTED PURSUANT TO A JUDGMENT OF THE UNITED STATES

COURT OF APPEALS ENFORCING AN ORDER OF THE NATIONAL LABOR RELATIONS BOARD An Agency of the United States Government

The National Labor Relations Board has found that we violated Federal labor law and has ordered us to post and obey this notice.

FEDERAL LAW GIVES YOU THE RIGHT TO

Form, join, or assist a union

Choose representatives to bargain with us on your behalf

Act together with other employees for your benefit and protection

Choose not to engage in any of these protected activities.

WE WILL NOT maintain or enforce provisions of our Employee Confidentiality and Non-Compete Agreement prohibiting you from discussing pay, pay practices, or any other term and condition of employment.

WE WILL NOT tell you that because it is unlawful to terminate employees for going on strike, we will have to find another reason to terminate striking employees.

WE WILL NOT tell you not to talk around returning strikers because they might be recording conversations.

WE WILL NOT tell you not to talk about pay around other employees.

WE WILL NOT discharge or otherwise discriminate against you because you discuss pay, pay practices, or other terms and conditions of employment with other employees, or engage in any other of the above activities.

WE WILL NOT in any like or related manner interfere with, restrain, or coerce you in the exercise of the rights listed above.

WE WILL rescind the provisions of the Employee Confidentiality and NonCompete Agreement prohibiting you from discussing pay, pay practices, or other terms and conditions of employment.

WE WILL furnish you with an insert for the current Employee Confidentiality and Non-Compete Agreement that (1) advises that the unlawful provisions have been rescinded, or (2) provides lawfully worded provisions on adhesive backing that will cover the unlawful provisions; or publish and distribute to you a revised Employee Confidentiality and Non-Compete Agreement that (1) does not contain the unlawful provisions, or (2) provides lawfully worded provisions.

WE WILL, within 14 days from the date of this Order, offer Nat Welage, Katlyn Shuckhart, and Michelle Fite reinstatement to their former jobs or, if those jobs no longer exist, to substantially equivalent positions, without prejudice to their seniority or any other rights or privileges previously enjoyed.

WE WILL make Nat Welage, Katlyn Shuckhart, and Michelle Fite whole for any loss of earnings and other benefits suffered as a result of the discrimination against them, less any net interim earnings, plus interest, and WE WILL also make those employees whole for reasonable search-for-work and interim employment expenses, plus interest.

WE WILL compensate Nat Welage, Katlyn Shuckhart, and Michelle Fite for the adverse tax consequences, if any, of receiving lump-sum backpay awards, and WE WILL file with the Regional Director for Region 14, within 21 days of the date the amount of backpay is fixed, either by agreement or Board order, a report allocating the backpay awards to the appropriate calendar years for each employee.

WE WILL, within 14 days from the date of the Board's Order, remove from their files all references to the unlawful discharges of Nat Welage, Katlyn Shuckhart, and Michelle Fite, and WE WILL within 3 days thereafter, notify each in writing that this has been done and that the discharges will not be used against them in any way.

AMAZING PET EXPOSITIONS LLC D/B/A
AMAZING PET EXPOS AND PET EVENT PROS

The Board's decision can be found at www.nlrb.gov/case/14-CA-232234 or by using the QR code below. Alternatively, you can obtain a copy of the decision from the Executive Secretary, National Labor Relations Board, 1015 Half Street, S.E., Washington, D.C. 20570, or by calling (202) 273-1940.

